

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Sara R.,

Case No. 22-cv-1271 (KMM/TNL)

Plaintiff,

v.

ORDER

Kilolo Kijakazi,
Commissioner of Social Security,

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Tony N. Leung issued on June 28, 2023. [Dkt. 25.] Judge Leung recommends that Plaintiff’s Motion for Summary Judgment [Dkt. 19] be granted in part and denied in part; that the Commissioner’s Motion for Summary Judgment [Dkt. 23] be denied; and that this matter be remanded to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R. The Plaintiff filed no objections to the R&R and the Commissioner filed a notice of no objections to the R&R.

Specifically, the R&R finds that the Administrative Law Judge (“ALJ”) erred by failing to explain why, having found the state agency psychological consultants’ opinions persuasive, the residual functional capacity limitation (“RFC”) only included “occasional” interactions with supervisors, but not a limitation to “brief and superficial social interactions.” As discussed in detail in the R&R, caselaw has distinguished between the *quantity* of interactions addressed by an occasional limitation, and the *quality* or nature of interactions addressed by a brief-and-superficial limitation. Finding the ALJ’s discussion

insufficient to judge whether the ALJ fully appreciated that distinction, the R&R concludes that the ALJ should address the state agency psychological consultants' opinions that Plaintiff was limited to "brief and superficial social encounters," why he declined to include this limitation in the RFC, or explain how the RFC accommodated this limitation.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Having carefully reviewed the R&R, the Court finds no error, clear or otherwise. Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R [Dkt. 25] is **ACCEPTED**.
2. Plaintiff's Motion for Summary Judgment [Dkt. 19] is **GRANTED IN PART and DENIED IN PART**.
3. The Commissioner's Motion for Summary Judgment [Dkt. 23] is **DENIED**.
4. This matter be **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the R&R.

Let Judgment be entered accordingly.

Date: July 17, 2023

s/ Katherine Menendez
Katherine Menendez
United States District Judge